

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

011924 16:09 20110413 IN:SSDEMAIL #2378 OUT:NIPRDAAAM #2504

REPORT OF INVESTIGATION (CLOSED)

11APR11

SPECIAL INQUIRY (II)

CONTROL: 28JAN11-MWTN-0019-7XMA/C

(b)(6), (b)(7)(C)

COMMAND/MAGTFTC/35000

MADE AT/MWTN/TWENTYNINE PALMS CA (b)(6), (b)(7)(C) SPECIAL AGENT

EXHIBIT

(12) Decision to Terminate Employment ICO (b)(6), (b)(7)(C) 05Apr11... (Copy All Less MWFO)

EXECUTIVE SUMMARY

1. On 28Jan11, NCIS was notified by (b)(6), (b)(7)(C) Central Heat Plant (CHP), Marine Corps Air Ground Combat Center (MCAGCC), Twentynine Palms, CA that he believed (b)(6), (b)(7)(C) was at risk for committing an act of work place violence. (b)(6), (b)(7)(C) stated (b)(6), (b)(7)(C) was an extremely disgruntled employee who had disciplinary problems as a result of threatening fellow coworkers. On 01Feb11, (b)(6), (b)(7)(C) CHP, MCAGCC was interviewed and related he and (b)(6), (b)(7)(C) had a verbal altercation; wherein, (b)(6), (b)(7)(C) got extremely angry and verbally abusive over a minor work related issue. On 01Feb11, (b)(6), (b)(7)(C) Human Resources Office (HRO), MCAGCC provided (b)(6), (b)(7)(C) past disciplinary paperwork which reflected (b)(6), (b)(7)(C) was put on (14) days of suspension for using obscene language towards coworkers. On 01Feb11, (b)(6), (b)(7)(C) provided (b)(6), (b)(7)(C) past performance appraisals which did not identify any derogatory information. On 01Feb11, (b)(6), (b)(7)(C) Johnson Controls Inc, MCAGCC stated (b)(6), (b)(7)(C) was verbally abusive towards him in the past but stated (b)(6), (b)(7)(C) never directly threatened him. On 02Feb11, (b)(6), (b)(7)(C) Public Works, MCAGCC stated he has received complaints about (b)(6), (b)(7)(C) attitude and behavior at work. Furthermore, (b)(6), (b)(7)(C) stated (b)(6), (b)(7)(C) wrote inappropriate but nonthreatening material in CHP logbooks and was disciplined for it. On 02Feb11, (b)(6), (b)(7)(C) CHP, MCAGCC was interviewed. (b)(6), (b)(7)(C) stated he has worked with (b)(6), (b)(7)(C) for over fourteen (14) years. (b)(6), (b)(7)(C) related (b)(6), (b)(7)(C) bullies other employees and is verbally abusive at work. (b)(6), (b)(7)(C) further related he heard (b)(6), (b)(7)(C) tell another employee, (b)(6), (b)(7)(C) (NFI) that he would kill him, after engaging in a work related argument. On 03Feb11, searches were conducted on various social networking sites in an attempt to ascertain if (b)(6), (b)(7)(C) had profiles. The aforementioned searches were met with negative results. On 10Feb11, (b)(6), (b)(7)(C) was interviewed at his off base residence, (b)(6), (b)(7)(C) denied threatening coworkers, making comments about armed insurrections, and further denied making threats towards the President of the United States. (b)(6), (b)(7)(C) stated he is the victim of whistleblower retaliation pursuant to filing complaints about the CHP working conditions being unsafe. On 10Feb11, (b)(6), (b)(7)(C) provided the CHP logbooks containing entries made by (b)(6), (b)(7)(C) A review of

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CONTROL: 28JAN11-MWTN-0019-7XMA/C

11Apr11

the logbooks did not identify any threatening remarks made by (b)(6), (b)(7)(C). On 02Mar11, (b)(6), (b)(7)(C) stated (b)(6), (b)(7)(C) never filed any formal complaints regarding alleged unsafe working conditions at the CHP. On 11Apr11, (b)(6), (b)(7)(C) employment was terminated. This investigation is closed.

NARRATIVE

1. This reactive investigation was initiated to ascertain the validity of information (b)(6), (b)(7)(C) provided to coworkers regarding the establishment of an armed insurrection. No criminal statutes apply at this time.
2. On 11Apr11 (b)(6), (b)(7)(C) Human Resources, Marine Corps Air Ground Combat Center (MCAGCC), Twentynine Palms, CA related (b)(6), (b)(7)(C) employment was terminated; Exhibit (12) pertains.
3. This investigation is closed.

PARTICIPANTS

(b)(6), (b)(7)(C) Special Agent, NCISRA Twentynine Palms, CA

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NCISHQ: 0023B

INFO: MWFO

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(b)(6), (b)(7)(C) V2 LNY

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801986 15:40 20081208 IN:SSDEMAIL #53047 OUT:NIPRDAAAM #42059

REPORT OF INVESTIGATION (CLOSED)

24NOV08

PAY AND ALLOWANCES (II)

CONTROL: 20NOV08-NFNF-0793-4ENA/C

I/COMSUBFOR, NORFOLK, VA/ALLEGATION OF OVERTIME FRAUD BY COMSUBFOR
CIVILIAN EMPLOYEE

COMMAND/COMSUBFOR/57016

MADE AT/NFNF/NORFOLK VA (b)(6), (b)(7)(C) SPECIAL AGENT

NARRATIVE

1. This reactive investigation was conducted to ensure that no classified or national information was compromised from COMMAND SUBMARINE FORCES (COMSUBFOR), Norfolk, VA. Additional criminal statutes may apply upon further investigative inquiries by U.S. FLEET FORCES COMMAND, Office of Inspector General, Norfolk, VA.

2. On 07OCT08, the NCIS Norfolk Foreign Counterintelligence Squad (NFNF FCI) received a NCIS TIPLINE e-mail complaint regarding an allegation of overtime fraud by a civilian employee, (b)(6), (b)(7)(C) Financial, Readiness and MILCON Code N41A for Commander Submarine Forces (COMSUBFOR), Norfolk, VA. The complainant, who will be referred as Cooperating Witness (CW) (b)(7)(D) hereafter, advised (b)(6), (b)(7)(C) worked 259 hours during fiscal year 2008. (b)(7)(D)

3. On 16OCT08, Reporting Agent (RA) interviewed (b)(7)(D) regarding the allegation of overtime fraud by (b)(6), (b)(7)(C). During the interview, (b)(7)(D) had no evidence that (b)(6), (b)(7)(C) removed or compromised classified documents from COMSUBFOR.

4. On 20NOV08, RA met with (b)(6), (b)(7)(C) Investigator, United States Fleet Forces Command Office of Inspector General, Norfolk, VA regarding (b)(7)(D) complaint against (b)(6), (b)(7)(C). RA provided interview notes and (b)(7)(D) contact information for further investigative inquiries from U.S. Fleet Forces OIG. RA also advised that (b)(7)(D) can be contacted by his/her cellular telephone and requested protection under the Whistleblower Protection Act of 2007.

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NCISHQ: 0023A

INFO: NFNF/0002A/U.S. FLEET FORCES OIG ATTN: (b)(6), (b)(7)(C) (M)

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CONTROL: 20NOV08-NFNF-0793-4ENA/C

24Nov08

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Pages 5 through 6 redacted for the following reasons:

Pages (5) - (6): Referred for consultation

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

760627 14:51 20110215 IN:SSDEMAIL #55762 OUT:NIPRDAAAM #41318

REPORT OF INVESTIGATION (CLOSED)

11FEB11

GENERAL PROCUREMENT (II)

CONTROL: 19NOV08-GCPF-0257-4GNA/C

S/CH2M HILL/

VT GRIFFIN JOINT VENTURE/PENSACOLA, FL
X/ENGINEERED COOLING SERVICES, L.L.C/
PENSACOLA, FL

COMMAND/NAVFACENGCOM SOUTHEAST/40364

MADE AT/CNPF/PENSACOLA FL

(b)(6), (b)(7)(C)

SPECIAL AGENT

REFERENCES

- (A) NCISRA Pensacola FL ROI (CLOSED)/07Oct08/I/Naval Facilities Engineering Command, Pensacola, FL/Allegation of a Fraudulent DRMO Reporting Under BOS Contract at NAS Pensacola/CCN: 07OCT08-GCPF-0221-4KNA
- (B) NCISRA Pensacola FL ROI (INTERIM)/23Mar09...(Contains Exhibit 1)
- (C) NCISRA Pensacola FL ROI (INTERIM)/11Jun09...(Contains Exhibit 2)
- (D) NCISRA Pensacola FL ROI (INTERIM)/19Oct09
- (E) NCISRA Pensacola FL ROI (INTERIM)/22Dec09...(Contains Exhibit 3)
- (F) NCISRA Pensacola FL ROI (INTERIM)/09Mar10...(Contains Exhibit 4)
- (G) NCISRA Pensacola FL ROI (INTERIM)/24May10...(Contains Exhibits 5 - 8)
- (H) NCISRA Pensacola FL ROI (INTERIM)/30Jul10...(Contains Exhibits 9 - 10)
- (I) NCISRA Pensacola FL ROI (INTERIM)/08Oct10
- (J) NCISRA Pensacola FL ROI (INTERIM)/10Jan11

EXHIBIT

- (11) US Attorney's Office Non-Prosecution letter/07Dec10...(Copy all)

EXECUTIVE SUMMARY

1. This investigation was initiated after a 2007 audit of the Naval Air Station Pensacola (NASP), FL, Base Operating Support (BOS) services contract with prime contractor S/CH2M HILL/VT GRIFFIN JOINT VENTURE (S/HILL/GRIFFIN) surfaced evidence ENGINEERED COOLING SERVICES, L.L.C. (X/ECS), a Heating, Ventilating, and Cooling (HVAC) system subcontractor to S/HILL-GRIFFIN, routinely submitted fraudulent invoices for payment, which S/HILL/GRIFFIN passed on to the U.S. Government. The amount of the U.S. government loss has not been determined. Additional allegations included a possible violation of the Whistleblower Statute and the theft and wrongful disposal of U.S. Government property. The latter allegation was determined to be unfounded, Reference (A). A copy of the audit report and supporting documentation was obtained. Contracting Officers who oversaw administration of the contract were interviewed and advised the contract in question was firm-fixed price; however, supplies were cost reimbursable. Current and former Naval Facilities Engineering Command (NAVFAC), NASP, employees and a former S/HILL/GRIFFIN employee were interviewed. Several current and former

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11Feb11

employees opined the contract between S/HILL/GRIFFIN and the government was poorly written. Naval Audit Service (NAVAUDSVC) provided documentation of possible fraud indicators to NCIS. (b)(6), (b)(7)(C) Forensic Auditor, and (b)(6), (b)(7)(C) DON Acquisition Integrity Officer (NAIO) were contacted for investigative assistance. On 07Dec10, the case was referred to the Assistant United States Attorney (AUSA) Nancy HESS, who declined prosecution due weak/insufficient admissible evidence.

NARRATIVE

1. This reactive investigation was initiated following alleged violations of 18 U.S.C. 1001 (False Statements). Other criminal and civil violations involving contract fraud and prohibited personnel actions may also apply.

2. Subsequent to the submission of References (A) through (J), which detailed investigative activity to date, on 30Nov10 RA met with AUSA Nancy HESS to discuss prosecution against S/HILL/GRIFFIN and X/ECS. RA discussed how the contract was NASP's first BOS contract and several government employees opined the contract was a poorly written contract. RA discussed the lack of inventories on the government's behalf and the staleness of the accusations against S/HILL/GRIFFIN. RA and AUSA HESS discussed the broadness of the complaint from (b)(6), (b)(7)(C), (b)(7)(D) Civilian, former HILL/GRIFFIN employee. On 07Dec10, RA received a non-prosecutorial letter from the United States Attorney (USA) Pamela MARSH, Northern District of Florida, Pensacola, FL, declining prosecution of the investigation as weak/insufficient admissible evidence. This investigation is closed.

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